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16 District, Jesus Jara, Michelle Brown, Kody Barto  
17 and Gayle Orvedal*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ELAINE BRAXTON, individually and as natural parent and guardian of D.N., a minor,

CASE NO. 2:23-cv-00144-JAD-MDC

Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT; a Political Subdivision of the State of Nevada, JESUS F. JARA, in his individual and official capacity; KODY BARTO, in his individual and official capacity; GAYLE ORVEDAL, in her individual and official capacity, MICHELLE BROWN, in her individual and official capacity; DOES I through X; and ROE CORPORATIONS I through X, inclusive,

**STIPULATION TO STAY  
DISCOVERY**  
**(FIRST REQUEST)**

Defendants.

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1 Plaintiff, Elaine Braxton, individually and as natural parent and guardian of D.N., and  
2 Defendants Clark County School District (“CCSD”), Jesus Jara (“Jara”), Kody Barto (“Barto”),  
3 Gayle Orvedal (“Orvedal”), and Michelle Brown (“Brown”) (referred collectively herein as  
4 “CCSD Defendants” or “Defendants”), by and through their attorneys hereby stipulate to stay  
5 certain discovery given that a dispute between the parties has arisen relating to what Defendants’  
6 perceive as conflict of interest. As detailed below, the parties have been working through issues  
7 relating to depositions in light of the current discovery deadline of March 22, 2024. However,  
8 because of the perceived conflict, discovery is at a standstill and Defendants filed a Motion to  
9 Disqualify on March 20, 2024 (the “Motion to Disqualify”) (ECF No. 61) to address the same.

10 **I. RELEVANT BACKGROUND REGARDING DISCOVERY DEADLINES**

11 On or about April 4, 2023, the parties submitted their *proposed* Stipulated Discovery  
12 Plan and Scheduling Order (ECF No. 17), which the Court granted and denied in part on April 6,  
13 2023 (ECF No. 17).

14 On or about April 14, 2023, the parties exchanged Initial Disclosures in accordance with  
15 the Scheduling Order.

16 On or about April 20, 2023, Plaintiff filed its Amended Complaint and Jury Demand  
17 (ECF No. 24).

18 On or about May 4, 2023, the Parties submitted a joint stipulation and *proposed* order for  
19 filing of Second Amended Complaint (ECF No. 30), which the Court granted on May 5, 2023  
20 (ECF No. 31).

21 On or about May 10, 2023, Plaintiff filed its Second Amended Complaint (ECF No. 32).

22 On or about May 31, 2023, CCSD Defendants filed their Answer to Second Amended  
23 Complaint (ECF No. 34).

24 With the resulting delay of the Amended Complaints and the time taken for CCSD  
25 Defendants to prepare an Answer, the discovery and expert deadlines did not provide enough  
26 time to retain and prepare experts. The Parties therefore, on or about June 5, 2023, submitted  
27 their *proposed* Stipulation to Extend Discovery (First Request) (ECF No. 35), which the Court  
28 granted on June 5, 2023 (ECF No. 36).

1       On or about June 29, 2023, Plaintiff filed its Motion to Amend Complaint (ECF No. 37),  
 2 CCSD Defendants filed their response in opposition on or about June 29, 2023 (ECF No. 38),  
 3 and Plaintiff replied on or about August 7, 2023. The Court subsequently granted Plaintiff's  
 4 Motion to Amend Complaint on or about November 8<sup>th</sup> (ECF No. 49).

5       On or about September 21, 2023, the Parties submitted a joint request for settlement  
 6 conference (ECF No. 42), which the Court granted on September 26, 2023 (ECF No. 43). The  
 7 settlement conference was scheduled for November 8<sup>th</sup> (ECF No. 44). Due to a conflict with the  
 8 Court's calendar, the settlement conference was continued from November 8<sup>th</sup> to January 12<sup>1</sup>,  
 9 2024 (ECF Nos. 47 & 48).

10       As the settlement conference was initially scheduled for November 8<sup>th</sup>, two days after  
 11 the governing close of discovery deadline (ECF No. 36), the Parties submitted, on or about  
 12 October 23, 2023, their *proposed* Stipulation and Order to Extend Discovery (Second Request)  
 13 (ECF No. 45). The Court granted it on or about October 24, 2023 (ECF No. 46).

14       As the rescheduled settlement conference date January 12<sup>th</sup> fell only 10 days ahead of the  
 15 governing discovery deadline (ECF No. 46), the Parties submitted, on or about November 14,  
 16 2023, their *proposed* Stipulation and Order to Extend Discovery (Third Request) (ECF No. 50).  
 17 The Court granted it on or about November 15, 2023 (ECF No. 52).

18       On or about November 15, 2023, Plaintiff filed its Third Amended Complaint  
 19 (ECF No. 51) which Defendants answered on November 28, 20023 (ECF No. 54).

20 **II. DISCOVERY COMPLETED**

21 **Disclosures**

22       On December 6, 2023, Plaintiff served their third supplemental disclosures, with the first  
 23 served on or about August 3, 2023, and the second served on or about October 13, 2023.

24       On February 7, 2024, CCSD Defendants served their fourth supplemental disclosures,  
 25 with the first supplemental served on or about September 29, 2023, the second supplemental  
 26 served on or about October 6, 2023, and the third supplemental served October 18, 2023.

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 28 <sup>1</sup> The Parties were unable to settle the matter at the January 12<sup>th</sup> settlement conference.

1                   **Written Discovery**

2                   On or about August 16, 2023, CCSD Defendants served their first set of requests for  
 3 production of documents on DN; on or about October 2, 2023, Plaintiff served its responses  
 4 thereto.

5                   On or about August 16, 2023, CCSD Defendants served their first set of interrogatories  
 6 on DN; on or about October 2, 2023, Plaintiff served its responses thereto.

7                   On or about August 21, 2023, Plaintiff served their first set of requests for production of  
 8 documents on CCSD; on or about October 6, 2023, CCSD Defendants served their responses  
 9 thereto and on October 18, 2023, followed with service of their amended responses.

10                  On or about August 21, 2023, Plaintiff served their first set of interrogatories on CCSD;  
 11 on or about October 6, 2023, CCSD Defendants served their response thereto.

12                   **Expert Reports**

13                  On or about September 19, 2023, Plaintiff served its Initial Designation of Expert  
 14 Witnesses and Reports.

15                  On or about October 20, 2023, CCSD Defendants served their Rebuttal Expert Disclosure  
 16 Pursuant to FRCP 26(a)(2).

17                   **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

18                  Plaintiff and CCSD Defendants have noticed party depositions but have not yet taken  
 19 any due to the issues addressed in Defendants' Motion to Disqualify. Additionally, the Parties  
 20 intend to take expert depositions. The following depositions have been noticed by each party to  
 21 date:

22                  1.        Jesus Jara (noticed by Plaintiff)<sup>2</sup>  
 23                  2.        Kody Barto (noticed by Plaintiff)  
 24                  3.        Gayle Orvedal (noticed by Plaintiff)  
 25                  4.        Michealle Brown (noticed by Plaintiff)  
 26                  5.        Elaine Braxton (noticed by CCSD Defendants)

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 28                  <sup>2</sup> Defendants have objected to the deposition of Dr. Jara and the parties have agreed to further meet and  
 confer regarding the same.

1       6.      D.N. (a minor) (noticed by CCSD Defendants)<sup>3</sup>  
 2       7.      Plaintiff's expert, Dr. Billie-Jo Grant (noticed by CCSD Defendants)  
 3       8.      Plaintiff's expert, Michael Elliott (noticed by CCSD Defendants)

4 **IV. REASONS TO STAY DISCOVERY**

5       As is discussed in the briefing of the Motion to Disqualify, the parties have met and  
 6 conferred in an attempt to reach a resolution regarding what Defendants believe is a conflict of  
 7 interest. Specifically, attorney Fikisha Miller recently joined H&P Law, counsel of record for  
 8 Plaintiff. Ms. Miller was formerly employed by CCSD as Chief Negotiator and Assistant  
 9 General Counsel and CCSD believes there is a conflict of interest that prohibits Ms. Miller's  
 10 involvement in this matter. Counsel for Plaintiff do not believe there is a conflict of interest.  
 11 Notwithstanding, because Ms. Miller was scheduled to take and defend noticed deposition in  
 12 this matter, the parties have agreed to vacate the depositions pending a ruling by the Court on  
 13 the conflict/disqualification issue. Therefore, the parties stipulate and agree to the following:

14       1.      Plaintiff and CCSD Defendants have noticed party depositions and expert  
 15 depositions. However, the conflict issue discussed above cannot be resolved without Court  
 16 involvement and prohibits discovery from moving forward at this time. Accordingly, the Parties  
 17 agree to stay all further discovery, including depositions of the Parties and experts, until the court  
 18 rules on the Motion to Disqualify.

19       2.      The Parties agree to amend the Stipulated Discovery Plan and Scheduling Order  
 20 to allow discovery to extend beyond the current deadline of March 22, 2024. The new deadline  
 21 for discovery will be sixty (60) days after the Court rules on the Motion to Disqualify.

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 28 <sup>3</sup> Plaintiff has objected to the deposition of D.N. and the parties have agreed to further meet and confer  
 regarding the same.

1       3. Once a ruling on the Motion to Disqualify is issued, the Parties will promptly  
2 commence the previously noticed depositions to complete discovery within the agreed upon sixty  
3 (60) days, and work together in good faith to accommodate schedules, as needed.

4       **IT IS SO STIPULATED.**

5       DATED this 22nd day of March 2024

6       **H&P LAW**

7       /s/ Marjorie Hauf

8       MARJORIE L. HAUF, ESQ.

9       Nevada Bar No. 08111

10       MATTHEW G. PFAU, ESQ.

11       Nevada Bar No. 11439

12       710 S Ninth Street

13       Las Vegas, Nevada 89101

14       *Counsel for Plaintiff, Elaine Braxton as  
natural parent and guardian of D.N., a  
minor*

5       DATED this 22nd day of March 2024.

6       **GREENBERG TRAURIG, LLP**

7       /s/ Kara B. Hendricks

8       MARK E. FERRARIO

9       Nevada Bar No. 01625

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12       CHRISTIAN T. SPAULDING

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16       *Counsel for Defendants, Clark County  
School District, Jesus Jara, Michelle  
Brown, Kody Barto and Gayle Orvedal*

17       IT IS SO ORDERED.

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19       Maximiliano D. Couviller III  
20       United States Magistrate Judge  
21       Dated: 3-26-24